

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DONNELL GARRETT,

Petitioner,

v.

Case No. 06-C-659

GREGORY GRAMS,

Respondent.

ORDER

Donnell Garrett filed a petition under 28 U.S.C. § 2254. Following this court's dismissal on untimeliness grounds, petitioner appealed. On January 19, the court of appeals denied Garrett a certificate of appealability on the basis that the court found no deprivation of any constitutional rights. This effectively dismissed his appeal.

In the interim, Garrett filed, in this court, a brief in support of his habeas petition, which was docketed as a motion to amend the judgment against him. He seeks to explain why his petition was untimely by several years. Because the court of appeals found no denial of Garrett's constitutional rights, it is doubtful that this court has jurisdiction to revisit the petition. In any event, to the extent this motion is still "live" following the dismissal of petitioner's appeal, the motion is **DENIED**. Petitioner has not shown that his petition was timely. *See* 28 U.S.C. § 2244(d). Thus, the case remains dismissed.

SO ORDERED this 15th day of February, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge